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2008 SEP 18 A 10:47

September 15, 2008

General Counsel's Office
Federal Election Commission
999 F St. NW
Washington, D.C. 20463

Re: MUR 6059

Dear FEC,

The Parnell for Congress campaign received a copy of the complaint referenced above from your office on September 2, 2008. This letter and attachments will respond to the baseless allegations brought by Barbara Mee and Alaskans for Don Young ("Complainants"). For reasons stated herein, the Parnell for Congress campaign believes that no action should be taken against it in response to the complaint.

In summary, the Complainants claim an improper coordinated campaign effort existed between the Club for Growth PAC and the Parnell for Congress campaign. The Complainants base these claims on Parnell for Congress receiving legal, individual contributions from Club for Growth members through the Club for Growth where the Parnell for Congress campaign properly disclosed those contributions under FEC rules and regulations. Additionally, the Complainants speculate coordination occurred based on one Anchorage Daily News article dated June 7, 2008; a Club for Growth memo to its members dated August 14, 2008; a Club for Growth press release dated August 19, 2008, and a Club for Growth television advertisement that began airing about August 19, 2008. The facts demonstrate there was no coordination between the Parnell for Congress campaign and the Club for Growth PAC.

Properly disclosed campaign contributions do not equate to nor do they signal a coordinated effort. Similarly, the June 7, 2008 Anchorage Daily News article merely says that "Parnell, one of two Republicans challenging Young in the August primary, spent a week in Washington, D.C., after Memorial Day meeting with a who's who of national anti-tax and spending groups... (including the Club for Growth)." The article goes on to point out the Club for Growth endorsed Parnell for Congress in a June 6, 2008 Wall Street Journal op-ed piece.

Before the Primary, I (Sean Parnell) had two substantive contacts with the Club for Growth. In late April or early May 2008, I had one teleconference with members of the Club for Growth board of directors in which they quizzed me on my legislative and executive branch service, focusing exclusively on economic policy choices I had made in those roles. On or about May 28, 2008, I met with two executives of the

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Club for Growth in their Washington, D.C., offices. They continued the line of questions related to my economic philosophy and probed more deeply into my legislative record on taxes, spending, and free market related topics. At no time in either conversation was any promise of help offered nor was any discussion had by any party about coordinating efforts. The only other contact I had with Club for Growth would have been to schedule the teleconference and meeting referenced above. Besides the May 2008 teleconference and meeting, I had no contact with the Club for Growth through the date of the Primary. The first time I knew the group would support my candidacy in some way was when I saw the op-ed piece published in the Wall Street Journal on June 6, 2008, a copy of which is attached.

The Club for Growth memo dated August 14, 2008 entitled "New Poll Shows Tie" references a poll showing Parnell with a four point lead over Don Young. This appears to be a reference to a Parnell for Congress campaign poll that was publicly released one week before the Club for Growth memo went out. Specifically, the "four point lead" polling information referenced in the August 14, 2008, Club for Growth memo appeared in a Parnell for Congress press release dated August 7, 2008 (copy attached) that was widely distributed and posted on the Parnell for Congress website at parnellforcongress.com on August 7, 2008, one week before the Club for Growth memo came out. There can be no improper coordination where the information was publicly available at least one week before the Club for Growth August 14 memo came out.

The rest of the Complainants' claims center around alleged coordination over the Club for Growth's August 19, 2008 television advertisement and the Club for Growth's related press release of the same date entitled "Club for Growth PAC Releases New TV and Radio Ads in Alaska Congressional Race." The Complainants' allegations are two-fold. First, they claim that the ad is an improper electioneering communication under 11 CFR 100.29 and, second, they claim, "This Club for Growth ad appears to be coordinated as that term is defined in 11 CFR 109.21." Both claims should be rejected.

The Club for Growth advertisement was not an improper electioneering communication because of its content or alternatively because it falls within the exception of an independent expenditure by the Club for Growth. Further, the Club for Growth advertisement was not coordinated in any way with me nor with any member of the Parnell for Congress campaign as we had no prior knowledge of, nor coordinated with, nor assented to the press release or advertising.

The advertisement, found at <http://www.clubforgrowth.org/index.php?page=8>, communicates items of Don Young's congressional voting record. The ad also states, "Governor Palin supports a change, she backs Sean Parnell for Congress," and at no point does it expressly advocate the election of Sean Parnell by the Club for Growth. Additionally, the ad is not an electioneering communication because it is exempt from the definition of an electioneering communication as an independent expenditure under 11 CFR 100.29(c)(3) and 11 CFR 100.16.

Neither I nor my campaign cooperated with, consulted with, nor acted in concert with the Club for Growth in this advertisement. At no time did I or anyone affiliated with my campaign request or suggest such advertising, nor were we in any way involved in decisions regarding the advertising. Accordingly,

there is no evidence that the advertising constitutes an improper electioneering communication.

Next, there is no evidence that the advertisement was a coordinated communication under 11 CFR 109.21 as neither the content prong nor conduct prong have been met. None of the content standards are met under 11 CFR 109.21(c). As for 11 CFR 109.21(c)(1), we've already demonstrated that the advertisement is not an electioneering communication either by definition or by exemption as an independent expenditure. Second, under 11 CFR 109.21(c)(2), there appears to be no allegation nor proof that the advertisement disseminates, distributes, or republishes, in whole or in part, campaign materials prepared by the Parnell for Congress campaign. Similarly, the third prong of the content type is not satisfied under 11 CFR 109.21(c)(3) because the plain language of the advertisement does not expressly advocate the election or defeat of a clearly identified candidate for federal office.

Even if the FEC found a content standard or prong had been met, the conduct standard prong under 11 CFR 109.21(d) cannot be established. Neither I nor anyone affiliated with the Parnell for Congress Campaign requested or suggested the advertising and the Complainants have raised no evidence to the contrary. By the same token, neither I nor the Parnell for Congress campaign had any material involvement in the advertisement under 11 CFR 109.21(d)(2) and there is no evidence to the contrary. Moreover, to my knowledge neither I nor anyone from my campaign had any contact with the Club for Growth about any advertising or memos, period. Indeed, all of the claims made in the advertisement appear to be from publicly available sources like Don Young's congressional voting record and media reports related to Governor Sarah Palin's support for my campaign from its inception in March 2008.

Where the Club for Growth acted independent of the Parnell for Congress campaign in all respects, and where there is no evidence to suggest that an FEC violation has occurred, the Parnell for Congress respectfully requests the FEC take no further action on the Complainants' baseless claims.


Sincerely,

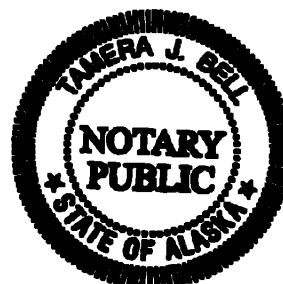


Sean Parnell

The foregoing was sworn to and signed in my presence.

Dated this 15th day of September, 2008, at Anchorage, Alaska.


Notary Public for Alaska *My Commission Exp. November 15, 2009*



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OPINION

Don Young Embodies What's Wrong With the GOP

By PAT TOOMEY
Jan. 4, 2008

Today, the Club for Growth Political Action Committee endorses Alaska Lt. Gov. Sean Parnell in his bid to unseat Republican Rep. Don Young in the state's August primary.

The reason for the endorsement is simple. Mr. Parnell is a solid conservative who led the fight for lower taxes and spending in the state legislature, and joined Gov. Sarah Palin in pushing for reform in the state. The man he is hoping to replace isn't economically conservative in the least. Mr. Young is actually a poster child for what has gone wrong with the Republican Party in Washington.



Don Young

Over his 35 years in Congress, Mr. Young made himself into the most powerful Republican on the House Transportation Committee. But instead of using his power to steer Republicans down a principled, conservative track, he helped derail the GOP train in 2006.

Mr. Young spends taxpayer money so wastefully he could make a liberal Democrat blush. As chairman of the Transportation Committee (from 2001 to 2007), Mr. Young was directly responsible for one of the biggest boondoggles of the Republican majority — the 2005 highway bill.

With a price tag of \$296 billion, the highway bill contained a record 6,371 pork projects.

One of those projects was the \$223 million Bridge to Nowhere, inserted by Mr. Young. The notorious bridge was meant to connect the city of Ketchikan, Alaska — population 8,000 — to an airport on Gravina Island — population 50. Instead, it came to symbolize Republican excess, and helped cost the GOP its majority.

But the bridge isn't Mr. Young's only earmark to draw negative attention. It seems the veteran lawmaker inserted a \$10 million earmark into the 2006 transportation bill for a road project in Florida.

Of course, Florida is not exactly next door to Alaska, so more than a few people have wondered why Mr. Young pushed to fund the pork-barrel project. Among those inquiring into the matter is the Justice Department, which is looking at the fact that a Florida real estate developer, Daniel J. Aronoff, who stands to benefit from the federal earmark, has raised some \$40,000 for Mr. Young's campaign coffers.

It's not just on spending that Mr. Young abandons Republican principles. Recently, he has joined with Democrats in voting to increase the minimum wage, increase income taxes on top earners, and to pass a

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Don Young

bloated farm bill. Mr. Young also voted for "card check," which would allow unions to organize without holding secret ballot elections.

He has a history of voting against important free-trade agreements and, just a couple of weeks ago, proposed a \$1 per-gallon tax increase on gasoline. He must not have had to fill up at the pump lately.

During his time in Congress, Mr. Young has come to represent the worst of a Republican Party that became too comfortable in power. In 1995, a Republican majority passed a budget that actually cut spending. Today, only 40 Republicans out of 248 GOP senators and representatives have sworn off earmarks, despite overwhelming support for earmark reform among the party's base and the general public.

Just 12 years ago, the Republican Caucus, including Mr. Young, voted for a bill to phase out farm subsidies. Three weeks ago, Mr. Young and many of those same members voted for a farm bill that exemplifies everything the GOP once stood against. Somewhere between then and now, many congressional Republicans abandoned their former commitment to limited government, fiscal discipline and economic freedom.

There is no question that the Republican Party is in trouble. Faced with staggering losses in 2006 and what might be an even worse election cycle this year, GOP congressmen are finally acknowledging the dismal state of the Republican brand. What are they doing about it?

Not much. The reason is that Mr. Young and many other members are not willing to change. They don't want to give up their pork projects, their subsidies and their favorite big-government programs. And those members with the temerity to challenge the broken system are berated as disloyal and threatened.

"Those who bite me will be bitten back," Mr. Young warned New Jersey's Republican Rep. Scott Garrett last July. Mr. Garrett had tried to remove a \$34 million earmark inserted into an appropriations bill by Mr. Young.

The Alaska primary represents a crossroads for Republicans. Will party leaders line up behind Mr. Young, even as the Justice Department is looking into his earmarks? Or will they tell him they cannot support a member who has flagrantly disrespected taxpayers and abandoned Republican principles?

If Republicans want to start winning again they need to return to the principles of fiscal responsibility and limited government that won them control of Congress in 1994. This is no easy task. But the GOP can start by showing Mr. Young the door.

Mr. Teomey, a former Republican congressman from Pennsylvania, is the president of the Club for Growth.

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Don Young Embodies What's Wrong With the GOP

By Pat Toomey

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The Alaska pork-barreler deserves to lose.

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Mr. Toomey, a former Republican congressman from Pennsylvania, is the president of the Club for Growth.

Stephen Howell <stephen@walshsheppard.com>
Lieutenant Governor Sean Parnell Maintains Lead Over Young
August 7, 2008 3:49:38 PM GMT-08:00
Parnell News Release <stephen@walshsheppard.com>
1 Attachment, 133 KB

CAMPAIGN INFORMATION:

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907.865.3255

FAIRBANKS
Northgate Square Mall, Unit 3
306 Old Steese Highway
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CONTACT: STEPHEN HOWELL
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Lieutenant Governor Sean Parnell Maintains Lead Over Young

August 7, 2008, Anchorage, Alaska – Lieutenant Governor Sean Parnell maintains his lead over incumbent Don Young, in the race to represent Alaska in the U.S. House of Representatives.

For the second time in less than two weeks, another poll shows the Lieutenant Governor leading the 35-year congressional incumbent by four percentage points. Parnell for Congress commissioned the poll. Basswood Research conducted this survey on August 5, 2008, among 300 likely Republican primary election voters.

Consistent with an earlier poll by another independent polling group, Basswood Research shows Sean Parnell leading with 42% of the respondents compared to Don Young's 38%. Twelve percent of those responding were undecided; however, among those voters, Parnell is viewed favorably by a nearly 3:1 margin.

"Over the next three weeks we will continue to work tirelessly to earn Alaskans' support," said Sean Parnell. "But we are certainly heartened by the fact that so many folks are joining our team. Alaskans are yearning for honest, conservative leadership, and they know that after 35 years, it's time for a change."

In another recent poll released by Hays Research Group and conducted as part of the Hays Research Group Statewide Opinion Counts Survey, 404 respondents were interviewed over a two-day period between July 24 and July 25, 2008. In this poll, again, 46% of the respondents said they would vote for Sean Parnell, with 42% supporting Young.

The Republican primary is Tuesday, August 26, 2008.

To learn more about Sean Parnell, visit

###

Attachments: Basswood Research, Results of Alaska Republican Primary for Congress Survey

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Lt. Governor Sean Parnell Maintains Lead Over Young

» » »

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By David L. Johnson, Editor

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